

GARMAN TURNER GORDON LLP
ERIC R. OLSEN
Nevada Bar No. 3127
Email: eolsen@gtg.legal
650 White Drive, Suite 100
Las Vegas, Nevada 89119
Tel: (725) 777-3000
Fax: (725) 777-3112
Attorneys for Peter Lazare

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PETER B. LAZARE, INDIVIDUALLY, AND
AS TRUSTEE OF THE JON J. EDELMAN
TRUST; IAN WILLIAMS, AS TRUSTEE OF
THE AURORA BOREALIS TRUST; PREMIER
TRUST, INC., AS TRUSTEE OF THE
AURORA BOREALIS TRUST,

Defendants.

CASE NO. 2:14-cv-001075-APG-VCF

**STIPULATION AND ORDER TO
MOTION FOR RELIEF FROM ORDER
PURSUANT TO FED.R.CIV.P.60(a)
(Dkt 33)**

Plaintiff United States of America ("Plaintiff"), and Defendants Peter B. Lazare, Individually, and as Trustee of the Jon J. Edelman Trust; Ian Williams, as Trustee of the Aurora Borealis Trust,; and Premier Trust, Inc., as Trustee of the Aurora Borealis Trust, ("Defendants"), hereby stipulate to amend the Preliminary Injunction, entered in this action on July 11, 2014, as follows:

Whereas, according to the Verified Complaint, the Federal District Court for the District of New Mexico, on January 29, 2014, entered a Memorandum Opinion Order concluding that the United States was entitled to a \$1,601,000 constructive trust against the Jon J. Edelman Trust and making permanent an injunction against the Jon J. Edelman Trust liquidating, disbursing, or encumbering any assets of the Jon J. Edelman Trust up to the amount of the constructive trust, \$1,601,000; and

1 Whereas, the District Court of New Mexico entered a Judgment to that effect on
2 February 6, 2014; and

3 Whereas, the United States commenced this action against the Jon J. Edelman Trust, the
4 Aurora Borealis Trust, and Peter Lazare, on July 1, 2014, by filing a Verified Complaint (Doc.#
5 1) averring, *inter alia*, fraudulent transfer of income received from the Estate of Mildred Ash
6 and the personal liability of Peter Lazare under 31 U.S.C. 3713(b); and

7 Whereas, this Court entered a Preliminary Injunction (Doc. # 18), on July 11, 2014, *inter*
8 *alia*, compelling the Aurora Borealis Trust to deposit the income from the Estate of Mildred Ash
9 into the Court's registry and enjoining the Defendants from liquidating and distributing any part
10 of the income or principal of the Aurora Borealis Trust, pending a hearing on the motion for
11 preliminary injunction or further order of the Court; and

12 Whereas, the Preliminary Injunction of this Court (Doc.#18) does not contain the amount
13 of the constructive trust adjudged by the New Mexico District and alleged in the Verified
14 Complaint in this action, i.e. \$1,601,000, and is therefore ambiguous as to the extent and the
15 duration of the injunction; and

16 Whereas, the Defendants moved for relief from the injunction to correct this oversight,
17 pursuant to Fed. R. Civ. Pro. 60(b) (Doc. # 33); and

18 Whereas, the Plaintiff filed a response stating it had no opposition to the Motion for
19 Relief from Order Pursuant to Fed. R. Civ. Pro. 60(b) (Doc. # 33); and

20 Whereas, the parties, without waiving any claims, defenses or rights, agree to the
21 amendment of the Preliminary Injunction to correct this oversight, pursuant to Fed. R. Civ. Pro.
22 60(a) and LR 7-1,

23 It is hereby stipulated and requested that the Court order the paragraphs 1 and 2 of the
24 Preliminary Injunction (Doc. # 18) be amended to provide as follows:
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1 1. The defendants and all agents, representatives, attorneys, entities or persons acting on
2 their behalf or in concert with them, are hereby compelled to deposit the Aurora Borealis Trust's
3 income from the Estate of Mildred Ash, up to the amount of \$1,601,000, less any amounts
4 collected from any source pursuant to the constructive trust, pending a judgment or further order
5 of this Court.

6 2. The defendants and all agents, representatives, attorneys, entities or persons acting on
7 their behalf or in concert with them, are hereby enjoined from liquidating and distributing any
8 part of the income or principal of the Aurora Borealis Trust, up to the amount of \$1,601,000, less
9 any amounts collected by the Plaintiff from any source pursuant to the constructive trust,
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1 a judgment or further order of this Court.

2 Dated: this 23rd day of June, 2015.

Dated: this 23rd day of June, 2015.

3 GARMAN TURNER GORDON LLP

CAROLINE D. CIRAULO
Acting Assistant Attorney General
Tax Division, U. S. Department of Justice

4
5 /s/ Eric R. Olsen

6 ERIC R. OLSEN

7 Nevada Bar No. 3127

8 650 White Drive, Suite 100

9 Las Vegas, Nevada 89119

10 (725) 777-3000

11 *Attorneys for Defendants*

/s/ Waymon G. DuBose, Jr.

WAYMON G. DuBOSE, JR.

Texas Bar No. 06152000

CURTIS C. SMITH

Arizona Bar No. 026374

Trial Attorneys, Tax Division

717 N. Harwood, Suite 400

Dallas, Texas 75201

Telephone: (214) 880-9726

(214) 880-9734

Facsimile: (214) 880-9741

Email: waymon.g.dubose@usdoj.gov

curtis.c.smith@usdoj.gov

Of Counsel:

DANIEL BOGDEN

United States Attorney

Attorneys for Plaintiff United States

WAYMON G. DUBOSE, JR.

717 N. Harwood, Suite 400

Dallas, Texas 75201

(214) 880-9726

Attorneys for Plaintiff

17 Dated: this 23rd day of June, 2015

18 KOLESAR & LEATHAM

20 /s/ Kenneth A. Burns

KENNETH A. BURNS

21 Nevada Bar No. 3689

22 400 Rampart Blvd., Suite 400

23 Las Vegas, Nevada 89145

(702) 362-7800

Attorneys for Premier Trust, Inc.,

Individually and as Trustee of the Aurora Borealis Trust

25 IT IS HEREBY ORDERED this 24th day of June, 2015.

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UNITED STATES DISTRICT COURT JUDGE